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IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.5 OF 2024

MEDHINI KAJUMOKAR ... APPELLANT

Versus

UDAY SAWARASTKAR AND
3 ORS.

... RESPONDENTS

Mr. Milton Marshal, Advocate for the Appellant.

Mr. James Lopes (through V.C.), Advocate for Respondent No.3.

CORAM:- VALMIKI MENEZES, J.

DATED :- 23rd JANUARY, 2025.

P.C:

1. Mr. Marshal, learned Advocate appearing for the Appellant submits that the cheque amounting to Rs. 50,000/- (Fifty Thousand only) towards the No Fault Liability (NFL), deposited by the Insurance company/Respondent No. 3 before the MACT was drawn in the name of the Appellant alone, though, the amount of Rs. 50,000/- (Fifty Thousand only) was to be shared 50% each to the Appellant and her husband i.e. Respondent No. 4. It is submitted that the Appellant and Respondent No. 4 are estranged from each

other and for that reason, two separate cheques are to be drawn of an amount of Rs. 25,000/- (Rupees Twenty Five Thousand only) each, one in the name of the Appellant and one in name of Respondent No. 4.

2. Mr. James Lopes, learned Advocate appearing for Respondent No. 3 submits that the MACT may be directed to return the cheque bearing No. 924345 for an amount of Rs. 50,000/- dated 24.05.2022, drawn on HDFC Bank, Chennai Branch in favour of Mrs. Medhini Kojumolkar to the Advocate appearing for Respondent No. 3 within one week from the date of this order and two separate amounts of Rs. 25,000/- (Rupees Twenty Five Thousand only) each shall be directly paid into account of Respondent No. 4 and the Appellant towards NFL of Rs. 50,000/- (Fifty Thousand only). The Bank details for the transfer of this amount of the Appellant and the Respondent No. 4 are as under:

Name	:	Mrs. Medhini Mangaldas Kajumolkar
Bank name	:	Bank of India
Branch	:	Curchorem
Account No.	:	102810510000470

Name	:	Mr. Mangaldas Ramchandra Kajumolkar
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Bank name	:	State Bank of India
Branch	:	Dharbandora
Account No.	:	42887434419

3. Further Respondent No. 3 has deposited an amount of Rs. 88,554/- (Rupees Eighty Eight Thousand Five Hundred and Fifty Four only) which constitutes the tax deducted at source from the Appellant and Respondent No. 3 which, as per law was not required to be deducted. Since, the deduction was made contrary to the provisions of law, Respondent No. 3 was directed to deposit this amount in the Registry of this Court under Order dated 28.03.2024. Now the said amount has been deposited before this Court under Cheque No.974497 dated 11.12.2024 drawn on HDFC Bank, Chennai branch. Respondent No. 3 is entitled to refund of TDS from the Income Tax Department for which Respondent No. 3 may apply under this order. The Income Tax Department is directed to consider the refund application of Respondent No. 3 in the light of this order.

VALMIKI MENEZES, J.